



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

March 16, 2012

✓ Ms. Kristina Raspe
c/o University of Southern California

REDACTED

Warning Letter Re: FPPC No. 12/073; Kristina Raspe, Respondent

Dear Ms. Raspe:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a referral from the FPPC's Technical Assistance Division that alleged you failed to disclose sources of income to your spouse's law practice on both your Assuming Office and your Leaving Office Statements of Economic Interests.

The Act requires public officials to disclose sources of income on their statements of economic interests.² (Sections 82030 and 87207.) Further, with respect to reporting income received through a business entity, the Act requires that the name of every person from whom the entity received payments would be reported if the official's pro rata share of the gross receipts from that person was equal to or greater than \$10,000 during a calendar year. (Section 87207(b).) This would include the names of persons who are sources of income to a law practice.

On your statements of economic interests, with respect to listing the names of sources of income to your spouse's law practice, you indicated that you declined to state, citing an attorney-client privilege. A client's name is not privileged unless facts concerning an attorney's representation of an anonymous client are publicly known and those facts, when coupled with disclosure of the client's identity, might expose the client to an official investigation or to civil or criminal liability. (*Brunner v. Superior Court*, 51 Cal. 2d 616, 618 (1959).)

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

²Income includes the community property interest in the income of a spouse. (Section 82030(a).)

The FPPC has a procedure in place to provide a mechanism for officials to specifically request an exemption from disclosure of a client's name. The FPPC's Technical Assistance Division advised you to either disclose the names of the clients to your spouse's practice, or alternatively, follow the steps outlined in Regulation 18740 to request an exemption.

Your failure to amend your statements to disclose the names of reportable clients, or request an exemption, is a violation of the Act. (Gov. Code § 87207.) However, since you have now left office, we are closing our file on this matter. This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact Jeanette Turvill at (916) 322-8194 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/jt

cc: Technical Assistance Division